



KILPATRICK TOWNSEND & STOCKTON LLP
www.kilpatricktownsend.com

1400 Wewatta Street, Suite 600
Denver, CO 80202-5556
T 303.571.4000 F 303.571.4321

David E. Sipiora
DSipiora@kilpatricktownsend.com

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DOCUMENT
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DOC#
DATE FILED: 2/22/11

VIA FAX

The Honorable Andrew J. Peck
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312
Fax: (212) 805-7933

MEMO ENDORSED 2/22/11

February 15, 2011

RECEIVED

SO ORDERED:

Hon. Andrew Jay Peck
United States Magistrate Judge

Re: *Wi-LAN Inc. v. LG Electronics, Inc. et al.*, Case No. 10-CV-432 (LAK)(AJP)

Dear Magistrate Judge Peck:

Pursuant to the Court's Order at the February 10, 2011 Status Conference, Plaintiff Wi-LAN Inc. ("Plaintiff") hereby notifies the Court and Defendants LG Electronics, Inc. and LG Electronics U.S.A., Inc. ("Defendants") that Plaintiff declines to take the depositions of Bernard J. Lechner and Jeffrey S. Hamilton at this time. At the Conference, the Court characterized the decision whether to conduct these depositions as a "Hobson's Choice." Given that Defendants' conduct created this situation, we would hope that the Court would be open to allowing the deposition of these individuals, if necessary, at a later time and, to the extent possible under the circumstances, Wi-LAN expressly requests to reserve that right.

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

David E. Sipiora

David E. Sipiora
1400 Wewatta Street, Suite 600
Denver, CO 80202
Telephone: (303) 571-4000
Facsimile: (303) 571-4321

Attorneys for Plaintiff WI-LAN INC.

Cc: Richard D. Harris

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ECF TRANSCRIPTION SHEET



ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: February 22, 2011

Total Number of Pages: 2

TRANSCRIPTION OF MEMO ENDORSED ORDER

The choice was to take the deposition now or not take it. thus, by not taking it now, you will not be allowed to take it later.

Copies by ECF to: All Counsel
Judge Lewis A. Kaplan